

AMENDMENTS TO THE CLAIMS

Listing of Claims:

1. (Currently amended) A method for generating or increasing ~~the resistance, in plants,~~ to at least one biotic or abiotic stress factor in a plant, comprising the following steps:

- a) increasing the amount of protein, or the function, of at least one Bax inhibitor-1 (BI1) protein by transformation in at least one plant tissue of said plant with the proviso that the expression in the leaf epidermis in said plant remains essentially unchanged or is reduced, and
- b) ~~selection of~~ selecting the plant[[s]] ~~in which, in comparison with the starting plant, a~~ exhibits increased resistance to the at least one biotic or abiotic stress factor ~~exists or is~~ or the resistance to said at least one biotic or abiotic stress factor,

wherein the at least one biotic or abiotic stress factor is due to a plant pathogen, chemical stress, UV radiation, heat, cold, drought, or increased humidity; and wherein the BI1 protein comprises the polypeptide sequence as set forth in SEQ ID NO: 2 or a polypeptide sequence having at least 70% identity with the polypeptide sequence as set forth in SEQ ID NO: 2.

2. (Original) The method according to claim 1, wherein the stress factor is a plant pathogen.

3. (Previously presented) The method according to claim 1, wherein the stress factor is a necrotrophic or hemibiotrophic pathogen.

4-5. (Cancelled)

6. (Currently amended) The method according to claim 1, wherein the ~~increase in the protein quantity~~ amount of protein, or the function, of the at least one BI1 protein is effected by recombinant expression of said BI1 protein under the control of a root-, tuber- or mesophyll-specific promoter.

7. (Currently amended) The method according to claim 1, further comprising

- (a) stably transforming a plant cell with a recombinant expression cassette comprising a nucleic acid sequence coding for ~~[[a]]~~ the BI1 protein ~~in functional linkage~~ functionally linked with a tissue-specific promoter, wherein the promoter ~~having~~ has essentially no activity in the leaf epidermis and ~~the promoter being is~~ heterologous with regard to said nucleic acid sequence which codes for the ~~BI~~ BI1 protein;
 - (b) regenerating the plant from the plant cell; and
 - (c) expressing said nucleic acid sequence which codes for ~~[[a]]~~ the BI1 protein in an amount and for a period sufficient to generate or to increase a stress and/or pathogen resistance in said plant.
8. (Currently amended) The method according to claim 1, wherein the plant is ~~selected from among the~~ a monocotyledonous plant or a and dicotyledonous plant~~[[s]]~~.
9. (Currently amended) The method according to claim 1, wherein the plant is selected from the group ~~of the monocotyledonous plants~~ consisting of wheat, oats, millet, barley, rye, maize, rice, buckwheat, sorghum, triticale, spelt, linseed and sugar cane.
10. (Previously presented) The method according to claim 1, wherein the expression of the Bax inhibitor-1 (BI-1) in the mesophyll is increased.
11. (Previously presented) The method according to claim 1, wherein the plant has an mlo-resistant phenotype, or the expression or function of MLO, RacB and/or NaOx is inhibited or, in comparison with a control plant, is reduced at least in the epidermis and/or the expression or function of PEN2, SNAP34 and/or PEN1 is increased at least in the epidermis in comparison with a control plant.
12. (Withdrawn) A polypeptide sequence coding for a BI1 protein comprising at least one sequence selected from the group consisting of
- a) the sequences as shown in SEQ ID NO: 12, 14, 16, 18, 20, 22, 24, 28, 30, 32 or 38,

- b) sequences which have at least 90%, preferably at least 95%, especially preferably at least 98%, homology with one of the sequences as shown in SEQ ID NO: 12, 14, 16, 18, 20, 22, 24, 28, 30, 32 or 38, and
 - c) sequences which comprise at least 10, preferably at least 20, especially preferably at least 30, contiguous amino acids of one of the sequences as shown in SEQ ID NO: 12, 14, 16, 18, 20, 22, 24, 28, 30, 32 or 38.
13. (Withdrawn) A nucleic acid sequence coding for a polypeptide sequence according to claim 12.
14. (Currently amended) A recombinant expression cassette comprising a nucleic acid sequence coding for a BI protein ~~in functional linkage~~ functionally linked with a tissue-specific promoter, wherein the BI1 protein comprises the polypeptide sequence as set forth in SEQ ID NO: 2 or a polypeptide sequence having at least 70% identity with the polypeptide sequence as set forth in SEQ ID NO: 2, and wherein the promoter ~~having~~ has essentially no activity in the leaf epidermis and ~~the promoter being~~ is heterologous with regard to said nucleic acid sequence ~~which codes for the BI protein.~~
15. (Currently amended) The recombinant expression cassette of claim 14, wherein ~~comprising a nucleic acid sequence coding for a BI protein in functional linkage with a tissue-specific promoter, the promoter having essentially no activity in the leaf epidermis and the promoter being heterologous with regard to said nucleic acid sequence which codes for the BI protein, where~~
- a) ~~the BI1 protein is as defined in claim 4, and/or~~
 - b) ~~the tissue-specific promoter is selected from the group of the a root-, tuber- or mesophyll-specific promoter[[s]].~~
16. (Currently amended) A recombinant vector comprising ~~an~~ the expression cassette according to claim 14.
17. (Currently amended) A recombinant ~~organism~~ microorganism or plant comprising at least one expression cassette according to claim 14.
18. (Cancelled)

19. (Currently amended) The recombinant ~~organism~~ plant according to claim 17, selected from the group ~~of the plants~~ consisting of wheat, oats, millet, barley, rye, maize, rice, buckwheat, sorghum, triticale, spelt, linseed, sugar cane, oilseed rape, cress, Arabidopsis, cabbage species, soybean, alfalfa, pea, beans, peanut, potato, tobacco, tomato, eggplant, paprika, sunflower, Tagetes, lettuce, Calendula, melon, pumpkin/squash and zucchini.
20. (Currently amended) The recombinant ~~organism~~ plant according to claim 17, wherein the ~~organism is a plant which~~ additionally has an mlo-resistant phenotype.
21. (Cancelled)
22. (New) The method of claim 1, wherein the BI1 protein comprises a polypeptide polypeptide sequence having at least 90% identity with the polypeptide sequence as set forth in SEQ ID NO: 2.
23. (New) The method of claim 1, wherein the BI1 protein comprises a polypeptide polypeptide sequence having at least 95% identity with the polypeptide sequence as set forth in SEQ ID NO: 2.
24. (New) The recombinant expression cassette of claim 14, wherein the BI1 protein comprises a polypeptide polypeptide sequence having at least 90% identity with the polypeptide sequence as set forth in SEQ ID NO: 2.
25. (New) The recombinant expression cassette of claim 14, wherein the BI1 protein comprises a polypeptide polypeptide sequence having at least 95% identity with the polypeptide sequence as set forth in SEQ ID NO: 2.